

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE :  
COMMISSION, :  
 : 05 Civ. 5231 (LTS)  
Plaintiff, :  
 : MOTION TO  
v. : DISMISS  
 :  
AMERINDO INVESTMENT ADVISORS, :  
INC, *et al.*, :  
Defendants. :  
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PLEASE TAKE NOTICE that upon the annexed declaration of VIVIAN SHEVITZ and the accompanying Memorandum of Law, GARY A. TANAKA will move this Court, at a time and date to be set by the Court, for an Order dismissing the case, in whole or in substantial part, and for such other and further relief as to the Court appears just and proper.

Dated: Portland, Maine  
March 7, 2012

\_\_\_\_\_/s/\_\_\_\_\_  
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